

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DEANDRE D. DIXON,

Petitioner,

Case No. 3:20-cv-383

vs.

CHAE HARRIS, Warden,
Lebanon Correctional Institution,

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

Respondent.

ORDER AND ENTRY: (1) ADOPTING THE REPORTS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (DOCS. 3, 10); (2) OVERRULING PETITIONER'S OBJECTIONS (DOCS. 7, 13); (3) DISMISSING PETITIONER'S PETITION WITH PREJUDICE; (4) DENYING A CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (6) TERMINATING THIS CASE

This civil case is before the Court on the Report and Recommendations (doc. 3) and Supplemental Report and Recommendations (doc. 10) issued by United States Magistrate Judge Michael R. Merz (hereinafter referred to jointly as "Reports and Recommendations"), to whom this case was referred pursuant to 28 U.S.C. § 636(b). *Pro se* Petitioner filed objections to both Reports and Recommendations. Docs. 7, 13.¹ As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including Petitioner's objections.

¹ Judge Merz issued an Order striking Petitioner's objections to the Supplemental Report and Recommendations on the basis that the objections were not timely filed. Doc. 14. The undersigned nevertheless reviewed Petitioner's objections and finds that they are without substantive merit even if not stricken on procedural grounds.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendations (docs. 3,10) should be adopted and that Petitioner's objections (docs. 7, 13) should be overruled. Accordingly, the Court: (1) **ADOPTS** the Reports and Recommendations of the Magistrate Judge (docs. 3, 10) in their entirety; (2) **OVERRULES** Petitioner's objections (docs. 7, 13); (3) **DISMISSES** that Petitioner's petition (doc. 1) **WITH PREJUDICE**; (4) **DENIES** Petitioner a certificate of appealability; (5) **CERTIFIES** that any appeal would be objectively frivolous and that Petitioner should be denied *in forma pauperis* on appeal; and (6) **TERMINATES** this case on the Court's docket.

IT IS SO ORDERED.

Date: January 6, 2021

s/ Michael J. Newman
Michael J. Newman
United States District Judge